



## NATIONAL ASSEMBLY BILL TRACKER AS OF FRIDAY 22<sup>ND</sup> JUNE 2023

The Bills Tracker provides an overview of the status of all Bills before the National Assembly in the year 2023

BILL	STATUS	KEY HIGHLIGHTS TOUCHING ON BUSINESS	IMPACT ON PRIVATE SECTOR IF PASSED
<b>The Public Procurement and Asset Disposal (Amendment) Bill, 2022</b>	First read on 08/03/2023	It seeks to enhance the amount for tenders where Kenya citizens are given exclusive preference from the sum of five hundred million shillings to twenty billion shillings. This is to protect the Kenyan traders from foreign competitors.	This will protect the Kenyan traders from foreign competitors, and give them priority.
<b>The National Construction Authority (Amendment) Bill, 2022</b>	1 <sup>st</sup> Read on 22/02/2023	It seeks to provide that women, youth and persons living with disabilities who own startup businesses and who apply for registration as contractors shall be exempt from payment of prescribed fees.	<p>This will recognize women, youth and persons living with disabilities as marginalized groups and to cushion them from the burden of paying registration fees.</p> <p>Enhanced economic growth: The bill can contribute to overall economic growth by fostering the development of small businesses owned by women, youth, and persons with disabilities. Increased participation of these groups in the construction sector can result in a more vibrant and competitive industry, driving economic activity and generating revenue.</p>

BILL	STATUS	KEY HIGHLIGHTS TOUCHING ON BUSINESS	IMPACT ON PRIVATE SECTOR IF PASSED
<b>The National Transport and Safety Authority (Amendment) Bill, 2022</b>	At the second reading stage. Second read on 26/04/2023 & 03/05/2023 (ongoing)	This Bill seeks to assign additional functions to the NTSA and the proposed additional functions include the establishment of systems and procedures for the regional registration and licensing of two and three wheeled public motor cycles taxis and the regional registration and licensing of drivers of two and three wheeled public motor cycle taxis by County government in consultation with the Authority.	The ability of two and three wheeled public motor cycle taxis to maneuver feeder roads and settlements with poor road network has made them the preferred choice for mobility and access in both urban and rural areas.  This will ease movement of people by connecting them to their daily business and social networks. Because of maneuverability, two-wheeler and three-wheeler have not only lessened the distances travelled but also provided employment to many young people to operate as riders, either with owned or hired.
<b>The Land (Amendment) Bill, 2022</b>	First read on 15/02/2023	This Bill therefore seeks to provide for registration of public land. The Bill does not delegate legislative powers neither does it limit fundamental rights and freedoms. The Bill seeks to amend the Land Act so as to provide for registration of public land and land set aside for a public purpose.	Currently certificates of title are not issued with respect to public land and as a result grabbing of public land has been an ongoing issue that requires legislation.  If passed into law it will curb the issue of grabbing of public land.
<b>The Finance Bill, 2023</b>	Approved at the Committee of the whole House with amendments.	The bill is introduced annually in parliament to amend various tax laws to capture changes in the in tax law.	Taxes are a huge aspect of the cost of doing business, hence it is important for developers to lobby for tax rebates in light of the current state of the economy, and keep track of any developments in the taxation regime for the new financial year.
<b>The County Governments (Revenue Raising Process) Bill, 2023</b>	First read on 04/05/2023	The Bill seeks to provide for the process to be followed by county governments in the exercise of their power under Articles 209 and 210 of the Constitution to impose, vary or waiver taxes, fees, levies and other charges;	<ol style="list-style-type: none"> <li>1. Competitive disadvantages: If county governments have the power to vary taxes or charges, it can create disparities between different counties. Some counties may impose lower taxes or fees to attract businesses, while others may choose to increase them. This could create a competitive disadvantage for businesses operating in higher-tax counties, potentially leading to shifts in business locations and investment patterns.</li> <li>2. Uncertainty and planning challenges: When county governments have the authority to change taxes and charges, it introduces an element of uncertainty for businesses. Long-term planning and investment decisions may become more challenging, as businesses need to consider the potential impact of future changes in county-level taxation policies.</li> </ol>

## KEY WORDS AND THEIR DEFINITIONS

### A PARLIAMENTARY COMMITTEE

Means a representative Committee which is a miniature of the main House. It is appointed or elected by the House or nominated by the Speaker. A Committee works under the direction of the Speaker and presents its report to the House or to the Speaker. There are several types of committee as they all deal in specific stipulated areas.

### COMMITTEE OF THE WHOLE (COTW)

This is a Committee composed of all Senators in plenary. At Committee, the Senate considers the Bill clause by clause and may amend the clauses. Any Senator, other than the sponsor of the Bill, who wishes to move an amendment to the Bill, must give written notification of the amendment to the Clerk at least 24 hours before commencement of the sitting at which the amendment is to be considered.

### CONCURRENCE

Where a Bill that is passed by the Senate is required to be submitted to the National Assembly, a certified copy of the Bill is forwarded to the Clerk of the National Assembly together with a Message signed by the Speaker requesting concurrence of the Assembly.

### DIVISION

Division occurs in two stages:

- a) Division 1 which is the separation of the members of the House into two groups, for and against, so the votes can be counted and recorded in Hansard (the full reports (verbatim) of the speeches of Members of Parliament).
- b) Division 2 - One of the parts that a country or state is divided into for the purpose of holding an election.

### FIRST READING

Occurs when a Bill is introduced in Parliament. A Bill is read a first time by the Clerk reading only the title of the Bill and is referred to the relevant Committee.

### MEDIATION COMMITTEE

Whenever the Senate does not agree to any of the amendments proposed by the National Assembly or rejects a Motion that a Bill which originated in the National Assembly, the Speakers of both Houses appoint a Mediation Committee, consisting of an equal number of Senators and Members of the National Assembly to develop a version of the Bill that is agreeable to both Houses.

If the National Assembly agrees with the Bill and does not propose any amendments, the Senate forwards the Bill to the President for assent.

If the National Assembly proposes amendments to the Bill, the amendments are submitted to the Senate and are circulated to the Senators.

The amendments are then considered in the Committee of the Whole. The Senate may then pass the Bill by including all the amendments or may reject any or all the amendments. Where an amendment is rejected, the Bill is referred to a mediation committee.

## **PRESIDENTIAL ASSENT**

Means that once a Bill originating in the Senate or National Assembly has been passed by both Houses where applicable, the Speaker refers the concluded Bill to the President for assent.

The President is required to either assent to the Bill or refer the Bill back to the Senate for reconsideration within fourteen (14) days noting any reservations by the President. Where a Bill has been referred back to Parliament by the President, the Parliament may either amend the Bill in light of the President's reservations or pass it a second time without amendments or with amendments that do not fully accommodate the President's reservations. Parliament may either amend the Bill in light of the President's reservations or pass it a second time without amendments or with amendments that do not fully accommodate the President's reservations.

## **SECOND READING**

A stage where the Senators debate the essence and principles of the Bill and give their views on the Bill.

## **THIRD READING**

Once Committee of the whole on a Bill is concluded, the Bill is reported back to the Senate. On adoption of the report on the Bill, the Bill is read a third time. No amendments may be moved at this stage except amending the motion to defer or postpone the third reading of the Bill to a future date.